

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
LITTLE ROCK DIVISION**

**DAVID A. STEBBINS**

**PLAINTIFF**

**v.**

**NO. 4:16-CV-545-JM**

**STATE OF ARKANSAS, ARKANSAS  
REHABILITATION SERVICES, AND  
AMY JONES**

**DEFENDANT**

**AMENDED RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION FOR  
LEAVE TO AMEND HIS PLEADINGS AND FOR JOINDER OF PARTIES  
(D.E. 56 & 57)**

Come now the Defendants, the State of Arkansas, Arkansas Rehabilitation Services ("ARS"), and Amy Jones, by and through their attorneys, Attorney General Leslie Rutledge and Senior Assistant Attorney General Christine A. Cryer, and for their Response in Opposition to Plaintiff's Motion for Leave to Amend his Pleadings and for Joinder of Parties, state as follows:

1. On July 27, 2016, Plaintiff filed his original Complaint, in which he alleged the following:

- a. In November 2015, Plaintiff went to the Harrison branch of ARS and applied for funding to attend college at Arkansas Tech University in Russellville, AR (DE 2, ¶ 15);
- b. Approximately 30 days later, he received a partial response from Amy Jones, an ARS Manager, denying his request and closing their file (DE 2, ¶ 19); and

- c. For his relief, Plaintiff asks this Court to issue an injunction and order ARS to “provide funding for all of plaintiff’s college expenses in the first instance.” (DE 2, ¶ 60)

2. Plaintiff does not allege to having had any further communication with Ms. Jones, ARS, or the State of Arkansas after December 2015. (DE 2)

3. On August 4, 2017, Plaintiff filed a Motion for Leave to Amend Pleadings and for Joinder of Parties, in which he seeks to add 4 new defendants (Arkansas Department of Higher Education, North Arkansas College, Tovanda Brown and Donna Wood) and new claims which cover a different time period (July 2017).

4. In his proposed Amended Complaint, Plaintiff alleges he:

- a. Applied for admission to North Arkansas College (“NAC”) in Harrison (not Arkansas Tech in Russellville) on July 10, 2017 (DE 57, ¶ 7);
- b. When he had not heard from the admissions office a mere nine days after he says he submitted his application, he emailed the President of NAC to complain about the Dean of Students (DE 57, ¶ 7);
- c. He was denied admission to NAC that same day (DE 57, ¶ 8); and
- d. He sent an email to the Dean of Students and “demanded” the denial of his application be reversed “or else.” (DE 57, ¶ 9)

5. Plaintiff alleges that because ARS allegedly discriminated against him based upon his disability in December 2015, and that NAC allegedly discriminated

against him based upon his disability in July 2017 these claims are intertwined, thus entitling him to the joinder of his new claims and parties.

6. These claims are not intertwined, as Plaintiff alleges. In fact, they seem to work against each other. According to Plaintiff's original Complaint, he needed the money from ARS in order to apply to and attend college; however, his new claims he does not mention the need for services from ARS in order to attend college. In fact, he makes no mention or reference to payment issues with regard to his July 2017 attempt to enroll in college. As such, the funds he was seeking from ARS and is now seeking as a result of this lawsuit does not appear to dictate his ability to apply to college.

7. Plaintiff does not allege any wrong-doing on behalf of the Arkansas Department of Higher Education. He simply refers to ADHE being the "parent company" of NAC. As such, ADHE would not be an appropriate or proper defendant in any lawsuit.

8. Further, the remaining new defendants Plaintiff is seeking to bring into this lawsuit are all residents or located in Harrison, Arkansas – including Plaintiff himself. (DE 2) Harrison is located in the Western District of Arkansas. Should Plaintiff be allowed to proceed on any claims against NAC, Tovanda Brown, or Donna Wood, the defendants affirmatively state that the claims against them should be transferred to the Western District of Arkansas.

9. Defendants believe, however, that Plaintiff's new allegations are not related to his claims against ARS, and should not proceed. If Plaintiff wishes to

pursue claims against the Arkansas Department of Higher Education, North Arkansas College, Tovanda Brown and Donna Wood, he should be required to file a new lawsuit.

WHEREFORE, Defendants respectfully request this Court deny Plaintiff's motion to amend and for joinder, along with any and all other just and proper relief to which they may be entitled.

Respectfully submitted,

Leslie Rutledge  
Attorney General

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### **CERTIFICATE OF SERVICE**

I, Christine A. Cryer, Senior Assistant Attorney General, do hereby certify that on August 31, 2017, I electronically filed the forgoing with the Clerk of the Court using the CM/ECF system.

I, Christine A. Cryer, hereby certify that on August 31, 2017, I mailed the document by U.S. Postal Service to the following non CM/ECF participant:

Mr. David Stebbins  
123 W. Ridge St., Apt. D  
Harrison, Arkansas 72601

/s/ Christine A. Cryer